

Brigham Young University Law School BYU Law Digital Commons

Utah Supreme Court Briefs

1988

CONTINENTAL ILLINOIS NATIONAL
BANK AND TRUST COMPANY OF
CHICAGO, Plaintiff, vs. ROBERT J. ALLEN, SUE
ALLEN, DON R. BINGHAM, MYRLE M.
BINGHAM, MARRINER F. BINGHAM,
MARALYN B. BINGHAM, WALLACE B.
BROWN, PATRICIA L BROWN, MERRIL
BRYAN, SUSAN BRYAN, WALLACE F.
BRYNER, BONNIE BRYNER, ANDREW
CHRISTENSEN, SANDRA J. CHRISTENSEN,
TED L. CHRISTENSEN. KATHLEEN S.
CHRISTENSEN. SHERMAN L. CLOWARD,
SHERYL L. CLOWARD, WELLS P. CLOWARD,

Recommended Citation

Legal Brief, *Continental Illinois v. Allen*, No. 880111.00 (Utah Supreme Court, 1988).
https://digitalcommons.law.byu.edu/byu_sc1/2012

This Legal Brief is brought to you for free and open access by BYU Law Digital Commons. It has been accepted for inclusion in Utah Supreme Court Briefs by an authorized administrator of BYU Law Digital Commons. Policies regarding these Utah briefs are available at http://digitalcommons.law.byu.edu/utah_court_briefs/policies.html. Please contact the Repository Manager at hunterlawlibrary@byu.edu with questions or feedback.

MYRLE L. CLOWARD, KAY CULLIMORE,
KELVYN H. CULLIMORE, A. ELLINGSON,
WILLIAM L. ELLINGSON, JOY ELLINGSON,
NED A. GREGORSON, DIXIE GREGORSON,
ROY A. HAMMOND, FRANCES B.
HAMMOND, RAYMOND K.
HENDRICKSON. DIANE O. HENDRICKSON.
DUANE J. KELSON, WITNEY K. KELSON, R.
PAUL KELSON, DIANE KELSON, DESMOND
O. LARSON, WILDA W. LARSON, DAVID K.
MILLER, LINDA C. MILLER, F. JACKSON
MILLET, MARIAN MILLET, HARVARD G.
NELSON, MARY C. NELSON, JOHN C.
NELSON, LINDA NELSON, GORDON A.
PETERSON, JULIE PETERSON, GLENN O.
SIMMONS, DENISE SIMMONS, THOMAS E.
SODERBERG, CINDY SODERBERG, :
Unknown

Utah Supreme Court

Follow this and additional works at: https://digitalcommons.law.byu.edu/byu_sc1

 Part of the [Law Commons](#)

Original Brief Submitted to the Utah Supreme Court; digitized by the Howard W. Hunter Law Library, J. Reuben Clark Law School, Brigham Young University, Provo, Utah; machine-generated OCR, may contain errors.

Anthony Schofield; Ray, Quinney & Nebeker; attorney for respondent.

Harold A. Hintze; Olsen, Hintze, Nielson & Hill; attorney for appellants.

KAY L. McIFF
OLSEN, McIFF & CHAMBERLAIN
Attorneys for Certain Defendants
225 North 100 East
P. O. Box 100
Richfield, Utah 84701
Telephone: (801) 896-5441

IN THE SUPREME COURT OF THE STATE OF UTAH

CONTINENTAL ILLINOIS NATIONAL
BANK AND TRUST COMPANY OF
CHICAGO,

Plaintiff,

vs.

ROBERT J. ALLEN, SUE ALLEN, DON
R. BINGHAM, MYRLE M. BINGHAM,
MARRINER F. BINGHAM, MARALYN B.
BINGHAM, WALLACE B. BROWN,
PATRICIA L BROWN, MERRIL BRYAN,
SUSAN BRYAN, WALLACE F. BRYNER,
BONNIE BRYNER, ANDREW CHRISTENSEN,
SANDRA J. CHRISTENSEN, TED L.
CHRISTENSEN, KATHLEEN S.
CHRISTENSEN, SHERMAN L. CLOWARD,
SHERYL L. CLOWARD, WELLS P.
CLOWARD, MYRLE L. CLOWARD, KAY
CULLIMORE, KELVYN H. CULLIMORE, A.
ELLINGSON, WILLIAM L. ELLINGSON,
JOY ELLINGSON, NED A. GREGORSON,
DIXIE GREGORSON, ROY A. HAMMOND,
FRANCES B. HAMMOND, RAYMOND K.
HENDRICKSON, DIANE O. HENDRICKSON,
DUANE J. KELSON, WITNEY K. KELSON,
R. PAUL KELSON, DIANE KELSON,
DESMOND O. LARSON, WILDA W. LARSON,
DAVID K. MILLER, LINDA C. MILLER,
F. JACKSON MILLET, MARIAN MILLET,
HARVARD G. NELSON, MARY C. NELSON,
JOHN C. NELSON, LINDA NELSON,
GORDON A. PETERSON, JULIE PETERSON,
GLENN O. SIMMONS, DENISE SIMMONS,
THOMAS E. SODERBERG, CINDY
SODERBERG,

Defendants.

ADOPTION OF OPENING
BRIEF OF OTHER APPELLANTS

Case No. 880111

FILED

FEB 21 1989

Clk. C. J. ...

I N T R O D U C T I O N

At trial the Defendants/Appellants Raymond K. Hendrickson, Diane O. Hendrickson, Ted L. Christensen and Kathleen S. Christensen were represented by separate counsel (above identified). A separate appeal was filed on behalf of said Defendants, but such appeal was consolidated with the appeal of the other Defendants, all of whose names appear in the style of the case. The other Defendants were and are represented by Mr. Harold A. Hintze, Esquire, who has filed an opening brief in their behalf.

A D O P T I O N O F B R I E F

Pursuant to Rule 24(i), Rules of the Utah Supreme Court, the Defendants Raymond K. Hendrickson, Diane O. Hendrickson, Ted L. Christensen and Kathleen S. Christensen hereby adopt the opening brief of the other Defendants herein, save and except for points IV and V, such points being unrelated to the interests of these Defendants.

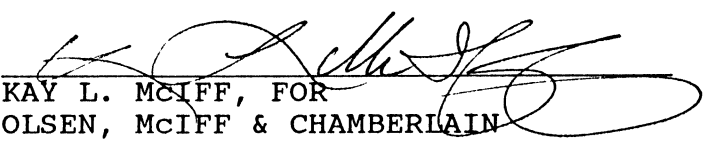
These Defendants respectfully assert that both the facts and the governing law have been correctly set forth in the said Opening Brief which they adopt by reference.

R E S E R V A T I O N O F R I G H T T O F I L E S U B S E Q U E N T B R I E F

These Defendants note that a Cross-Appeal has been filed herein, and that Defendants Opening Brief does not address the same.

These Defendants reserve the right to file a reply brief on the issues raised in the main appeal, and further to file a response brief on the Cross-Appeal.

Respectfully submitted this 17th day of February, A.D. 1989.


KAY L. MCIFF, FOR
OLSEN, MCIFF & CHAMBERLAIN

AFFIDAVIT OF MAILING

I hereby certify that a full, true and correct copy of the above and foregoing **ADOPTION OF OPENING BRIEF OF OTHER APPELLANTS** was placed in the United States mail at Richfield, Utah, with first-class postage thereon fully prepaid on the 17th day of February, 1989, addressed as follows:

Mr. Harold Hintze
Suite 200
3319 North University Avenue
Provo, Utah 84604

Mr. L. Ridd Larson
Mr. Anthony W. Schofield
92 North University Avenue
Provo, Utah 84601

